



**CASE REVIEW / SPECIAL MEETING MINUTES**  
**for**  
**January 8, 2003, 4:00 p.m.**  
**Art Pick Council Chambers**  
**3900 Main Street, Riverside, CA**

Present: Commissioners Brewer, Floyd\*, Garcia, Gardner, Hendrick\*, Howe, Huerta and Ward

Absent: Commissioner Davidson

\*Commissioners Floyd and Hendrick arrived at 5:00 p.m.

**4:00 P.M. – CASE REVIEW**

**Roll Call**

**Vote to Resume Case Review**

After a brief discussion, the Commission voted to resume case review – 5 for and 1 abstention.

There were no public comments.

**CLOSED SESSION – CASE REVIEWS**

Pursuant to Government Code Section 54957, the Commissioners adjourned to Closed Session at 4:25 p.m. to review the following case(s) involving PUBLIC EMPLOYEE PERSONNEL MATTERS:

<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
02-039	PC-02-113-287
02-044	PC-02-129-119
02-051	PC-02-149-059
02-059	PC-02-164-298

The Commission recessed at 5:15 p.m. to reconvene in the Council Chambers at 5:33 p.m. for Open Session.

## **5:30 – OPEN SESSION**

### **Pledge of Allegiance**

### **Roll Call**

### **Approval of Minutes**

Vice-Chair Gardner moved to approve the minutes for the November 13, 2002 Regular Meeting. Commissioner Ward seconded and it passed 7 for and 1 abstention.

Commissioner Ward moved to approve the minutes for the November 25, 2002 Special Meeting, Commissioner Garcia seconded and it passed 7 for and 1 abstention.

### **Briefing Regarding the Death of Michael Wetter**

Chief of Police Russ Leach addressed the Commission regarding the death of Michael Wetter on December 31, 2002 shortly after 7:15 p.m. at 2767 Aries Lane in Riverside. The incident involved Officers Willie Rodriguez, Scott Borngrebe and Scott Levesque.

Chief Leach then asked Capt. Dave Dominguez, commanding officer of the Investigations Division, to present a preliminary briefing of what occurred that evening. He again reminded the Commission of the protocols involved in the review of these types of tragic incidents. He said that the Department conducts an internal investigation. A criminal investigation is conducted and reviewed by the District Attorney's office and looks at the officer's use of force. Presentations are made to the CPRC. They also have the oversight of the State Attorney General's office. They are also working very closely with the DA and the Coroner's office to get the information out to the public through the Commission as quickly as possible regarding the ongoing investigation.

Capt. Dominguez briefed the Commission on incident. Using a diagram, he described the incident scenario. He concluded by saying that the investigation is currently open and there are four, full-time investigators assigned to the case. He said they are working closely with the District Attorney's office and the Coroner's office.

### **Public Comment**

Chairman Brewer noted that those interested in speaking during public comment should have completed a Request to Speak form.

Chairman Brewer said that the City ordinance that formed the CPRC also mandates the Commission to conduct an independent investigation into any incident involving the actions of a sworn police officer in which a citizen dies. He said it has been done and is being done. He said that as soon as the Commission was aware of this incident, its investigators were notified. He said the investigators will submit periodic reports to the Commission and that any information obtained by the Commission's investigators can be discussed publicly.

Chairman Brewer stated that later on the Commission will receive reports from RPD and the District Attorney, saying this information could not be discussed in public. He said he has no time frame, but periodic briefings would be made to the public by the Commission as to how the investigation is going.

Chairman Brewer said that once the Commission had received all the reports, they would review the information and then make a determination as to whether or not the incident was within RPD policy. He

said that was the only determination the Commission would make and nothing beyond that.

Chairman Brewer asked if any of the commissioners had any comments and there were none.

### **Mary Shelton**

Ms. Shelton began by saying she “didn’t expect to be back here quite so soon,” a month or so after the last incident. She said she had several questions. She said had been look through the RPD Policy and Procedures manual to find out how the Department handles people who are potentially suicidal and especially those who have threatened to commit suicide by a police officer. She said she couldn’t find anything regarding this issue.

She said she is concerned because this subject has been in the news quite a bit recently and she wonders why the Police Department doesn’t have a policy regarding this subject. She said she has learned that about 10% of all fatal police shootings are attributed to suicide by cop.

Ms. Shelton said she hadn’t known of the victim’s criminal record, but that the police always provide that information. But she said that the histories of the involved officers are equally important and that the public never seems to know about them. She said that the only think known about the involved officer is that he was a detective with NYPD, which is known for having a lot of problems, he was a lateral transfer, has been with RPD several months and is already involved in a shooting.

Ms. Shelton was also concerned about the medical attention the victim received. She said the information was that the shooting occurred at 8:05 and the victim expired at 8:20 and she wondered what happened from the time he was shot to the time he received medical aid or if he received immediate medial aid.

Ms. Shelton said she wasn’t making a decision on whether or not the shooting was justified, but said that the public always learns so much about the deceased and don’t get the same perspective on the officers involved. She said she is also concerned about someone being shot at such close range when they are holding a child.

Commissioner Huerta responded to Ms. Shelton’s concerns about medical attention. She said that in setting up the Riverside County EMS program, she knows how emergency medical personnel function. She said that in any incident involving law enforcement where there is a perceived threat, fire and medical personnel are staged. When an area is determined to be safe for them to enter, their priority is the patient with some attention to maintaining the evidence on the scene. She said that paramedics have function in conjunction with a base hospital in California and that in incidents of this nature, they do as much as protocol allows them to do. She said they are also in communication with the hospital so they can give the best care possible to the patient.

### **Laurie Wetter**

Ms. Wetter is the mother of Michael Wetter. She said that suicide by cop does not give someone the right to kill another person. She said the officers talked with her about stun guns and mace and other low-assault type weapons prior to the incident. She said she had been confident that with all the information she had given the police, including the fact that her son would have a knife, that they would apprehend him without incident. She said the last thing she expected to learn was that her son had been killed.

She said she believed this could have happened a different way if there were other police protocol in potential suicide by cop situations. She said she feels this issue should be addressed.

Ms. Wetter said that her son had never had a robbery charge and said the police needed to recheck with San Diego. She also said that even though her son’s history involved some violence toward authority, that just because she briefed them ahead of time, the police had no right to use lethal force against her son. She said that her son was the best friend of the children involved in the incident and that he would never have harmed them. She said there were no marks on the girl who had been held at knife-point by

Ms. Wetter's son. She said that she and her niece, the girl's mother, don't believe Michael held a knife to the girl's throat. They believe he held a knife out at the officers, but never meant to hurt the children.

She concluded by saying that she had told the officers what would happen when they arrived and things happened exactly as she had told them. She said she never imagined they would tell her an hour and a half after her son had been killed that he was dead. She said she had every reason to believe the incident would be handled properly and within guidelines of a hostage situation. She said she believes that the only reason her son had the girl in his arms was to prevent a shooting, not create one.

Chairman Brewer thanked Ms. Wetter and extended the sympathies of the Commission to her and her family. He also said that Capt. Dominguez had stated in his briefing that they learned the robbery charge was actually a charge for assault with a deadly weapon.

### **Dustin Wetter**

Mr. Wetter declined to speak.

Vice-Chair Gardner said that he wanted to reassure everyone in the audience on both sides of the question, that the Commission plans to do a thorough and fair independent investigation. He said it will happen, but not as quickly as anyone would like it to. He said that everything that was said in the meeting is information that will be valuable to the Commission and will go into its decision but none of it is information on which a decision will be made. He said that there is a lot more evidence that the Commission does not yet have, but will get it and the Commission will make its decision on all the evidence.

Commissioner Floyd asked Mr. Williams if the public could expect regular updates on the incident at monthly meetings. Mr. Williams said yes. Commissioner Floyd said it's important because the Commission was established as a citizen's review committee and all the commissioners are members of the public. He said he thinks it's important that the public have regular reports on the status of Commission's investigations. He said that the Commission should conduct business in public as much as possible. Mr. Williams said he would report on these issues at the regular monthly meetings.

Commissioner Hendrick wanted to reiterate that the Commission's investigator was involved in this incident immediately and that the Commission didn't wait for this meeting to get him involved and that this was the same with the last incident. Mr. Williams said the investigator was notified on January 2 when staff was back in the office.

Commissioner Huerta also asked if the updates could include the updates from the Chief of Police. She said it would be helpful if the Commission knew the status of the RPD investigation. Mr. Williams said there would be communication back and forth with RPD and was sure we could provide a status report on the various investigations.

### **Policies & Procedures Subcommittee Report**

Vice-Chair Gardner reviewed for the commissioners the proposed amendments to the CPRC Policies & Procedures and By-Laws. He went over each proposed amendment, explaining the reasoning behind the proposal.

Mr. Mike Lackie, attorney for the Riverside Police Officers' Association, spoke to the Commission regarding some of the proposed amendments. He said that Mr. Williams invited the RPOA to provide written response to the proposed changes. He said they intend to do so. He said that some are very good and some are problematic. He said that the position of the RPOA should be known. He said he was concerned with a comment made by one of the commissioners that the issue regarding Govt. Code Section 54957 – Notice – has been resolved. Mr. Lackie said that it hadn't from the view of the RPOA.

He said that was one of the items noted in his letter to the City Attorney. He said that the posting of the agenda is not sufficient notice to officers. He said most officers don't know the IA case number or the CPRC case number. He said he wanted the Commission to understand that this issue was not resolved.

He said they have received no response to their letters from the City Attorney or from the CPRC regarding this or other issues. He said he has also heard that these issues were being handled informally. He stated that they remain the attorney of record for the RPOA and that they are unaware of any resolution regarding those issues.

Mr. Williams said he was glad that Mr. Lackie and the RPOA were getting involved in discussions regarding the CPRC Policies & Procedures and By-Laws because previously there had been no communication between RPOA and the Commission until the last minute when they had asked that the Commission not adopt the proposed Policies & Procedures and By-Laws, but gave no explanation.

Commissioner Huerta asked that a deadline be set for comments and suggestions regarding the proposed amendments. Mr. Williams said when the Commission gets to a point where they feel enough is enough, approval for the Policies & Procedures and By-Laws will be agendized.

Chairman Brewer said there had been written comment regarding the shooting and that copies would be made for the commissioners.

Chairman Brewer entertained a motion for adjournment, which was moved by Commissioner Huerta and seconded by Vice-Chair Gardner.

The Commission adjourned at 6:38 p.m.

Respectfully submitted,

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PHOEBE SHERRON  
Sr. Office Specialist